

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

TECHNOLOGY FUNDING GROUP,	)	Civil No. 07-5081
L.L.C., a Delaware limited liability	)	
Company	)	
	)	
Plaintiff,	)	<b>FIRST WESTERN BANK'S</b>
	)	<b>MOTION FOR PARTIAL</b>
vs.	)	<b>SUMMARY JUDGMENT</b>
	)	<b>ON FIDUCIARY DUTY CLAIM</b>
THE FIRST WESTERN BANK OF	)	
STURGIS, a South Dakota corporation	)	
	)	
Defendant.	)	

Pursuant to Fed. R. Civ. P. 56, Defendant, The First Western Bank of Sturgis ("First Western Bank"), moves the Court for partial summary judgment on the fiduciary duty claim. First Western Bank supports its motion with a statement of undisputed material facts, the affidavit of John E. Johnson, a brief and the record.

Dated this 10<sup>th</sup> day of February, 2009.

BANGS, MCCULLEN, BUTLER  
FOYE & SIMMONS, L.L.P.

BY: /s/ Terry L. Hofer  
TERRY L. HOFER  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused true and correct copies of this legal document to be served upon each of the persons identified below as follows:

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☐ First Class Mail    ☐ Overnight Mail  
☐ Hand Delivery    ☐ Facsimile  
☒ Electronic Mail via the CM/ECF system

Dated this 10<sup>th</sup> day of February, 2009.

/s/ Terry L. Hofer  
TERRY L. HOFER  
*Filed Electronically*